

Court of Appeals, State of Michigan

ORDER

People of MI v Daryl Edward Smith

Docket No. 305437

LC No. 10-027124-FH

Kathleen Jansen
Presiding Judge

Mark J. Cavanagh

Elizabeth L. Gleicher
Judges

The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) is GRANTED. The matter is remanded to the trial court so that appellant may file, within 14 days, a motion for an evidentiary hearing to further develop the record concerning why he was shackled at trial and a supporting brief. See *People v Dunn*, 446 Mich 409, 425-427 (1994). Proceedings on remand are limited to the issues raised in the motion to remand.

Appellant is to file with this Court a copy of any motion and supporting brief filed in the trial court within 14 days of the Clerk's certification of this order. **The trial court is to hear and decide the matter within 56 days of the Clerk's certification of this order.** Appellant must also file with this Court copies of all trial court orders entered on remand within 14 days after entry.

The trial court is to make findings of fact and a determination on the record. The trial court is to cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

This Court retains jurisdiction. The time for proceeding with the appeal in this Court begins upon issuance of an order in the trial court that finally disposes of the remand proceedings.

If the appellant fails to file remand pleadings in the trial court within the allotted 14-day period, the time for proceeding with the appeal in this Court begins 14 days from the date of the Clerk's certification of this order.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

MAR 22 2012

Date


Chief Clerk